IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14943 of 2004

Between:

Sri Katta Ramulu, S/o. Ramaswamy,

Aged 45 years, occ: Dealer of F.P. shop of
Kakkireni (V) Ramannapet (M), Nalgonda District.

..... PETITIONER

AND

1 The Joint Collector (CS), Nalgonda District at Nalgonda Town.
2 The Revenue Divisional Officer, Bhuvanagiri Division,
Nalgonda District at Bhongiri.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings No.F/1633/2004 dt. 6-7-2004 of R2 as illegal, arbitrary and set aside the same, which was passed merely on the ground of pendency of 6-A proceedings.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is the fair price shop dealer of Kakkireni village, Ramannapet Mandal. The authorization of the petitioner has been suspended pending enquiry vide proceedings of the 2nd respondent-Revenue Divisional Officer, Bhongir Division dated 06-07-2004 on the ground that during an enquiry on 19-06-2004, on verification of books and stocks on ground in the premises of the fair price shop, there was shortage of 17.56 quintals of rice and accordingly proceedings under Section 6A of Essential Commodities Act (for short 'the Act') have been initiated against him. The petitioner states that against the order of suspension dated 06-07-2004, he preferred an appeal before the 1st respondent-Joint Collector, Nalgonda District. He also states that the 1st respondent having entertained the appeal, rejected the stay petition filed by him by an order dated 15-07-2004. It appears that the main appeal itself has been posted for hearing on 19-07-2004. Meanwhile, the proceedings initiated under Section 6A of the Act have also been completed and the 1st respondent by an order dated 19-07-2004, directed confiscation of seized stock worth Rs.5,000/-. Now, this writ petition is filed challenging the order of suspension dated 06-07-2004 contending inter alia that the said order which was passed merely on the ground of pendency of proceedings under Section 6-A of the Essential Commodities Act, 1955 is arbitrary and illegal.

Since the Statutory Appeal against the order dated 06-07-2004 is pending, I am not

inclined to express any opinion on the merits of the case. It is open to the petitioner to urge all the grounds in the appeal pending before the 1st respondent.

In the circumstances, I deem it appropriate to dispose before the writ petition with a direction to the 1st respondent to dispose of the appeal pending on his file as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. It is also left open to the 2nd respondent to complete the enquiry and pass appropriate orders expeditiously after giving due opportunity to the petitioner.

The writ petition is accordingly disposed of. No costs.

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24-08-2004

Note: Issue C.C in two days.

B/o.

Vs

To

1 The Joint Collector (CS), Nalgonda District at Nalgonda Town.
2 The Revenue Divisional Officer, Bhuvanagiri Division,
Nalgonda District at Bhongiri.

3 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

4 Two CD copies.

THE HON'BLE MS JUSTICE G.ROHINI

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Dated: 24-08-2004